

**COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Heribert SCHMITT-WILLICH et al.

BOX AAFR

Group Art Unit: 1211

Examiner: L. Chapman

Serial No.: 08/319,357

Filed: October 6, 1994

DERIVATIZED DTPA COMPLEXES, PHARMACEUTICAL AGENTS CONTAINING THESE COMPOUNDS, THEIR USE, AND PROCESSES FOR THEIR PRODUCTION

**REQUEST FOR TRANSITIONAL  
EXAMINATION UNDER 37 C.F.R. §1.129(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

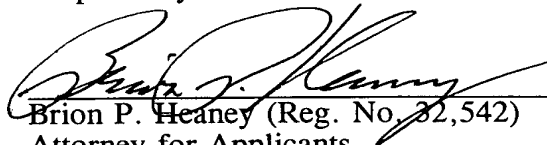
SIR:

In accordance with the transitional procedures of 37 C.F.R. §1.129(a), applicants hereby request withdrawal of finality of the Office Action of November 30, 1995. The application satisfies the requirements under Rule 129(a), i.e., it has an effective pendency of at least 2 years as of June 8, 1995, taking into account reference to an earlier filed application under 35 U.S.C. §120. In addition, filed herewith is the \$750.00 statutory fee under 37 C.F.R. §1.17(r) which is being filed prior to the filing of an Appeal Brief and prior to the abandonment of the above-identified application.

Applicants request that the time for taking action in the above-identified application be extended pursuant to 37 C.F.R. §1.136(a). The statutory fee of \$110.00 for a one-month extension of time is included in the attached check.

In light of the above, applicants are entitled to have a first submission entered and considered on the merits after final rejection in accordance with Rule 129(a). Also filed herewith are copies of two Declarations under 37 C.F.R. §1.132 which were previously submitted but not considered.

Respectfully submitted,



Brion P. Heaney (Reg. No. 32,542)

Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

Arlington Courthouse Plaza I

2200 Clarendon Boulevard, Suite 1400

Arlington, Virginia 22201

(703) 812-5308

Filed: July 1, 1996

290-49 CP1208 #27  
4-9-96  
RP.

Notice of Appeal From The Primary Examiner To the Board of Appeals

In re application of: Heribert SCHMITT-WILLICH et al.

CORRES. AND MAIL

**BOX AF**

Serial No.: 08/319,357

For: DERIVATIZED DTPA COMPLEXES, PHARMACEUTICAL AGENTS CONTAINING THESE COMPOUNDS, THEIR USE, AND PROCESSES FOR THEIR PRODUCTION

Filed: October 6, 1994

Group Art Unit: 1208

The Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

Applicant hereby appeals to the Board of Appeals from the decision dated November 30, 1995, of the Primary Examiner with respect to all the finally rejected claims, e.g., 2, 5, 6, 8, 9, 11, 13, 14, 16, 20-23, 30, 32, 36 and 40.

The item(s) checked below are appropriate:

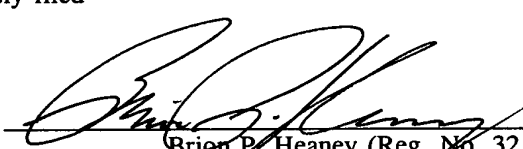
1. Applicant(s) request(s) that the time for taking action in this case be extended pursuant to 37 C.F.R. §1.136(a).
  - ☒ Included in the attached check is the statutory fee of \$ 110.00 for an extension of time of one months.
  - ☒ If the box for the sentence immediately above is marked but no check is attached, then charge the statutory fee recited in such sentence for an extension of time of the number of months recited in such sentence to Deposit Account No. 13-3402. Two copies of this sheet are attached for this purpose.
  - ☐ Charge the Statutory Fee of \$ \_\_\_\_\_ for an extension of time of \_\_\_\_\_ month(s) to Deposit Account No. 13-3402, two copies of this sheet are being attached for this purpose.
2. ☒ A timely response to the final rejection is being filed herewith.
3. ☐ Amended claims presented in the response filed on \_\_\_\_\_ have been approved for entry. Accordingly, the appealed claims are claims \_\_\_\_\_.
4. ☒ Fee \$ 290.00
  - ☒ The amount of \$ 290.00 is included in the attached check.
  - ☐ Not required (fee paid in prior appeal).
  - ☐ Please charge my Deposit Account No. 13-3402 in the amount of \$ \_\_\_\_\_, 2 copies of this sheet are attached.
  - ☒ Charge any deficiencies in the payment of fees associated with this communication or credit any overpayment to Deposit Account No. 13-3402.
  - ☐ Small Entity Status Claimed under 37 C.F.R. §1.9 and 37 C.F.R. §1.27.  
Statement(s): ☐ Attached ☐ Previously filed

Signature (Rule 191(b)).....

Post Office Address (to which  
correspondence is to be sent).

Atty's Docket: SCH 1412

Filed: April 1, 1996

  
Brian P. Heaney (Reg. No. 32,542)

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